

Ballard Spahr LLP

1675 Broadway, 19th Floor
New York, NY 10019-5820
TEL 212.223.0200
FAX 212.223.1942
www.ballardspahr.com

Marjorie J. Peerce
Partner
Tel: 646.346.8039
Fax: 212.223.1942
peercem@ballardspahr.com

September 26, 2019

By Electronic Filing

Hon. Elizabeth S. Stong
Conrad B. Duberstein Courthouse
271-C Cadman Plaza East – Suite 1595
Brooklyn, New York 11201-1800

Re: Tashanna B. Golden, et al. v. National Collegiate Student Loan Trust 2005-3, et al.
Adv. Pro. No. 1-17-01005-ESS

Dear Judge Stong:

As Your Honor may recall, my firm represents Citibank, whose confidential records are being sought through plaintiff's document demand directed to Firstmark, a defendant in this action, and now through Plaintiff's motion to compel the production of Citibank's records. Those records are Citibank servicing agreements and instructions, which are in Firstmark's possession as a result of its servicing of certain loans, which do not involve the loans at issue in this litigation. We previously advised the Court that we were going to seek a protective order to preclude the production of those records.

We are aware that plaintiff has served a motion to compel the production of those records. We were unaware of the scheduling of that motion, or that it was possibly going to be addressed at the October 16 conference in this matter prior to receiving an ECF notice about it earlier this week. I personally will be out of town on October 16, so I could not appear on that date to address this issue with the Court.

We have consulted with plaintiff's counsel, and they have consented, subject to the Court's approval, to a briefing schedule for our motion for a protective order. This schedule would only address our motion for a protective order, and that portion of plaintiff's motion to compel directed to Firstmark which seeks Citibank's records. It would not otherwise impact the myriad motions to compel which were filed earlier this week or the other portions of the motion to compel directed to Firstmark.

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The schedule that plaintiff and we jointly propose is as follows:

Citibank's motion for protective order filed by 10/10/19
Plaintiff's response to motion for protective order filed by 10/24/19
Citibank's reply to Plaintiff's response to motion for protective order filed by 10/31/19

Thereafter, should the Court desire, we of course would be available to address the issues with the Court.

We very much appreciate the Court's consideration of this request.

Respectfully,

/s/ Marjorie J. Peerce

Marjorie J. Peerce

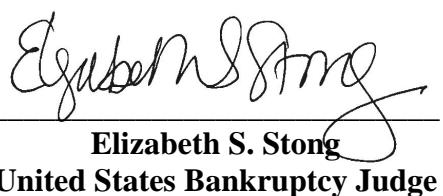
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The briefing schedule proposed by the parties is approved.

IT IS SO ORDERED.

Dated: Brooklyn, New York
October 8, 2019




Elizabeth S. Stong
United States Bankruptcy Judge